

# SENATE BILL 359

D3, D4

2lr1246  
CF 2lr1410

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By: **Senators Shank, Forehand, Jacobs, Ramirez, and Raskin**

Introduced and read first time: January 30, 2012

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Persons Eligible for Relief and Orders to Vacate Home**

3 FOR the purpose of altering, for purposes of certain provisions of law relating to  
4 domestic violence, the definition of “person eligible for relief” to include an  
5 individual involved in a certain intimate dating relationship with a certain  
6 respondent and an individual who has had a sexual relationship with a certain  
7 respondent; establishing that a final protective order may order the respondent  
8 to vacate the home immediately and award temporary use and possession of the  
9 home to the person eligible for relief or, in certain instances, to an adult living  
10 in the home, if neither the person eligible for relief nor the respondent has lived  
11 in the joint residence for at least a certain period of time; and generally relating  
12 to domestic violence.

13 BY repealing and reenacting, with amendments,  
14 Article – Family Law  
15 Section 4–501(m) and 4–506(d)  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume and 2011 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Family Law**

21 4–501.

22 (m) “Person eligible for relief” includes:

23 (1) the current or former spouse of the respondent;

24 (2) a cohabitant of the respondent;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) a person related to the respondent by blood, marriage, or adoption;

2 (4) a parent, stepparent, child, or stepchild of the respondent or the  
3 person eligible for relief who resides or resided with the respondent or person eligible  
4 for relief for at least 90 days within 1 year before the filing of the petition;

5 (5) a vulnerable adult; [or]

6 (6) an individual who has a child in common with the respondent;

7 **(7) AN INDIVIDUAL INVOLVED IN AN INTIMATE DATING**  
8 **RELATIONSHIP WITH THE RESPONDENT THAT IS CHARACTERIZED BY THE**  
9 **EXPECTATION OF AFFECTIONATE INVOLVEMENT, WHETHER OR NOT THE**  
10 **RELATIONSHIP IS CASUAL, SERIOUS, OR LONG-TERM; OR**

11 **(8) AN INDIVIDUAL WHO HAS HAD A CONSENSUAL OR**  
12 **NONCONSENSUAL SEXUAL RELATIONSHIP WITH THE RESPONDENT.**

13 4-506.

14 (d) The final protective order may include any or all of the following relief:

15 (1) order the respondent to refrain from abusing or threatening to  
16 abuse any person eligible for relief;

17 (2) order the respondent to refrain from contacting, attempting to  
18 contact, or harassing any person eligible for relief;

19 (3) order the respondent to refrain from entering the residence of any  
20 person eligible for relief;

21 (4) where the person eligible for relief and the respondent are residing  
22 together at the time of the abuse, order the respondent to vacate the home  
23 immediately and award temporary use and possession of the home to the person  
24 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a  
25 vulnerable adult, award temporary use and possession of the home to an adult living  
26 in the home, provided that the court may not grant an order to vacate and award  
27 temporary use and possession of the home to a nonspouse person eligible for relief  
28 unless:

29 **(I)** the name of the person eligible for relief appears on the lease  
30 or deed to the home **[or];**

1                   **(II)** the person eligible for relief has shared the home with the  
2 respondent for a period of at least 90 days within 1 year before the filing of the  
3 petition; **OR**

4                   **(III) NEITHER THE PERSON ELIGIBLE FOR RELIEF NOR THE**  
5 **RESPONDENT HAS LIVED IN THE JOINT RESIDENCE FOR AT LEAST 90 DAYS;**

6                   (5) order the respondent to remain away from the place of  
7 employment, school, or temporary residence of a person eligible for relief or home of  
8 other family members;

9                   (6) order the respondent to remain away from a child care provider of  
10 a person eligible for relief while a child of the person is in the care of the child care  
11 provider;

12                   (7) award temporary custody of a minor child of the respondent and a  
13 person eligible for relief;

14                   (8) establish temporary visitation with a minor child of the respondent  
15 and a person eligible for relief on a basis which gives primary consideration to the  
16 welfare of the minor child and the safety of any other person eligible for relief. If the  
17 court finds that the safety of a person eligible for relief will be jeopardized by  
18 unsupervised or unrestricted visitation, the court shall condition or restrict visitation  
19 as to time, place, duration, or supervision, or deny visitation entirely, as needed to  
20 guard the safety of any person eligible for relief;

21                   (9) award emergency family maintenance as necessary to support any  
22 person eligible for relief to whom the respondent has a duty of support under this  
23 article, including an immediate and continuing withholding order on all earnings of  
24 the respondent in the amount of the ordered emergency family maintenance in  
25 accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

26                   (10) award temporary use and possession of a vehicle jointly owned by  
27 the respondent and a person eligible for relief to the person eligible for relief if  
28 necessary for the employment of the person eligible for relief or for the care of a minor  
29 child of the respondent or a person eligible for relief;

30                   (11) direct the respondent or any or all of the persons eligible for relief  
31 to participate in professionally supervised counseling or a domestic violence program;

32                   (12) order the respondent to pay filing fees and costs of a proceeding  
33 under this subtitle; or

34                   (13) award temporary possession of any pet of the person eligible for  
35 relief or the respondent.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2012.